

1 of 2

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MCDERMOTT, WILL & EMERY

FACSIMILE

FROM:

Attorney: Judith L. Toffenetti, Esq. Direct Phone: 202-756-8320
 Attorney's E-Mail: jtoffenetti@mwe.com
 Secretary: Rosanna Pase Direct Phone: 202-756-8392
 Client/Matter/Tkpr: 64162-022-6740 Date: March 18, 2003 Time Sent: _____
 Number of pages including this page: 117

TO:

Examiner Scott D. PRIEBE
 Name: GAU1632 Facsimile No. 703 746 3131
 Company: U.S. Patent & Trademark Office Contact No. _____

Re: U.S. Patent Application No. 09/464,767

As requested in your telephonic request of May 1, 2003, enclosed is a copy of the Office Action dated September 16, 2002 and of Applicants' Amendment, Petition for Extension of Time and Terminal Disclaimer filed in response thereto, with the USPTO on March 17, 2003 and Letter Submitting Declaration Under 35 USC 1.132 fax filed on March 18, 2003.

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WDC99 731609-1.064162.0022

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 Number of pages including this page: 14

TO:

Examiner **Scott D. PRIEBE**
 Name: GAU1632 Facsimile No. 703 308 4242
 Company: U.S. Patent & Trademark Office Contact No. _____

Re: U.S. Patent Application No. 09/464,767

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*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	3009
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Name: GAU1632 Contact No. _____
Company: U.S. Patent & Trademark Office

Re: U.S. Patent Application No. 09/464,767

Response to Office Action due February 16, 2003 (Second Extension)

Applicant:	Gerald Wayne BOTH, et al.		Docket No.:	64162-022
Title:	DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL VECTOR		Serial/Reg./Patent No.:	09/464,767
Date Sent:	3/17/2003	<input type="checkbox"/> Hand Carried <input type="checkbox"/> Fax <input type="checkbox"/> Electronic <input type="checkbox"/> Cert. of Mailing <input type="checkbox"/> Express Mail No.		
<input type="checkbox"/> Transmittal Letter <input type="checkbox"/> New Patent App <input type="checkbox"/> Utility <input type="checkbox"/> Design <input type="checkbox"/> Cont. <input type="checkbox"/> CIP <input type="checkbox"/> Div. <input type="checkbox"/> PCT <input type="checkbox"/> CPA <input type="checkbox"/> RCE <input type="checkbox"/> Prov <input type="checkbox"/> Other: _____ pages of Specification _____ pages of Claims _____ pages of Abstract _____ pages of Formal/Informal Drawings <input type="checkbox"/> Small Entity <input type="checkbox"/> Large Entity <input type="checkbox"/> Declaration/Power of Attorney <input type="checkbox"/> Recordation of Assignment/Security Agreement <input type="checkbox"/> Information Disclosure Statement _____ Form PTO 1449 _____ copies of cited references <input type="checkbox"/> Preliminary Amendment <input type="checkbox"/> Response to Missing Parts Notice <input type="checkbox"/> Resp. to Notice to Correct App. Papers <input type="checkbox"/> Certified Copy of Priority Doc. <input type="checkbox"/> Claim for Convention Priority <input checked="" type="checkbox"/> Response/Amendment to Office Action of 16SEP02 <input checked="" type="checkbox"/> Petition for THREE month Extension of Time				
Check for \$	<input checked="" type="checkbox"/> \$	Charge Deposit Acct. 50-0417	1040.00	Atty Init. <input type="checkbox"/> JLT <input type="checkbox"/> Tkpr. # 6740 Secy. or Pl. <input type="checkbox"/> RPase



CMS Descrip.:	(6) = \$930	(23) = \$110
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Docket No.: 64162-022

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Gerald Wayne BOTH, et al.

Serial No.: 09/464,767

Group Art Unit: 1632

Filed: December 16, 1999

Examiner: Scott D. Priebe

For: DNA ENCODING OVINE ADENOVIRUS (OAV287) AND ITS USE AS A VIRAL VECTOR

THE COMMISSIONER FOR PATENTS AND TRADEMARKS
Washington, DC 20231

Dear Sir:

Transmitted herewith is an Amendment in the above identified application.

No additional fee is required.
 Applicant is entitled to small entity status under 37 CFR 1.27
 Also attached:

The fee has been calculated as shown below:

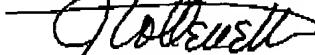
	NO. OF CLAIMS	HIGHEST PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	FEE
Total Claims	25	27	0	\$18.00 =	\$0.00
Independent Claims	11	12	0	\$84.00 =	\$0.00
Multiple claims newly presented					\$0.00
Fee for extension of time					\$930.00
					\$0.00
Total of Above Calculations					\$930.00

Please charge my Deposit Account No. 500417 in the amount of \$ 930.00. An additional copy of this transmittal sheet is submitted herewith.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment, to Deposit Account No. 500417, including any filing fees under 37 CFR 1.16 for presentation of extra claims and any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


 Judith L. Toffenetti

Registration No. 39,048

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 Facsimile: (202)756-8087
 Date: March 17, 2003

ATTORNEY DOCKET NO. 64162-22
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re CPA Application of:)
Gerald W. BOTH, et al.) Group Art Unit: 1632
Serial No.: 09/464,767) Examiner: SCOTT D. PRIEBE
Filed: December 16, 1999)
For: DNA ENCODING OVINE ADENOVIRUS)
(OAV287) AND ITS USE AS A VIRAL VECTOR)

LETTER SUBMITTING DECLARATION UNDER 35 USC § 1.132

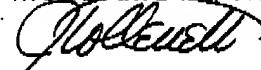
Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Supplemental to the Amendment and Reply filed with the U.S. Patent and
Trademark Office on March 17, 2003, Applicants submit a Declaration Under 35
U.S.C. § 1.132 in the above-identified application duly executed by the inventor,
Gerald W. Both.

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Judith L. Toffenetti
Registration No. 39,048

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